

REMARKS

Withdrawn claims 26-31, 33, and 42 have been canceled without prejudice. Claims 1, 32, 34-38, 41, and 43 have been amended. The amended claims are fully supported by the original specification (e.g., page 3, lines 24-27; the paragraph bridging pages 12 and 13). No new matter has been introduced. The amendments are made solely to expedite prosecution of the application, and Applicants reserve the right to prosecute claims of similar or differing scope in subsequent applications.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

Election/Restriction

The Examiner has acknowledged Applicants' election, with traverse, of Group I (claims 1-25 and 32) and the sequence of SEQ ID NO: 81 in the Response filed on March 11, 2005.

Applicants note with appreciation that the Examiner is willing to rejoin claims 34-37, 38-41, and 43. The Examiner acknowledges that claims 1-25, 32, 34-41, and 43 have been searched and examined as being drawn to SEQ ID NO: 81.

Claim Objections

Claims 1-25, 32, 34-41, and 43 are objected to for not reciting the elected sequence of SEQ ID NO: 81. In response, Applicants have amended independent claims 1, 34, 35, 36, 37, 38, and 43 to recite a sequence that is "at least 80% identical to the sequence of SEQ ID NO: 81." The claim amendments are fully supported by the original specification. For example, the specification teaches that "the invention features a non-antibody protein deriving from a scaffold protein including a domain having an immunoglobulin-like fold, wherein the amino acid sequence of the domain in the derived protein is more than 50% identical to the amino acid sequence of the domain in the scaffold protein." (See page 3, lines 24-27). The specification further describes that "a fibronectin type III domain includes a sequence which

exhibits at least 30% amino acid identity, and preferably at least 50% amino acid identity, to the sequence encoding the structure of the ¹⁰F_n3 domain referred to as “1ttg” (ID=“1ttg” (one ttg)) available from the RCSB (Research Collaboratory for Structural Bioinformatics) Protein Data Base. Sequence identity referred to in this definition is determined by the Homology program, available from Molecular Simulation (San Diego, Calif.). The invention further includes polymers of ¹⁰F_n3-related molecules, which are an extension of the use of the monomer structure, whether or not the subunits of the polyprotein are identical.” (See page 12, lines 25-27; page 13, lines 1-6). No new matter is being introduced.

Applicants respectfully submit that the claim amendments do not require a new search since the Examiner has searched and examined claims 1-25, 32, 34-41, and 43 as being drawn to SEQ ID NO: 81 (Office Action, page 2, lines 16-17). Further, Applicants have performed searches using SEQ ID NO: 81 in the Derwent GENESEQ (DGENE) database and in the GenBank database. Applicants did not identify in either of the databases any third party prior art references which disclose a sequence that is at least 80% identical to the sequence of SEQ ID NO: 81. In the DGENE database, 38 sequences were identified to meet the elements of the claims as amended. Yet, all those 38 sequences are presented in this application or in the priority documents of this application. See the Supplemental Information Disclosure Statement filed concurrently herewith. Thus, Applicants submit that the claim amendments do not pose a substantial burden on the Examiner. Reconsideration and withdrawal of the objection are respectfully requested.

Allowable Subject Matter

The Examiner acknowledges that claims 1-25, 32, 34-41, and 43, as drawn to elected invention SEQ ID NO: 81, are not reasonably taught by the prior art of record. The Examiner indicates that these claims would be in condition for allowance if Applicants amend the claims to be drawn to the sequence of SEQ ID NO: 81 and cancel withdrawn claims.

In response, Applicants have canceled withdrawn claims 26-31, 33, and 42 without prejudice. As described above, Applicants have amended independent claims 1, 34, 35, 36, 37, 38, and 43 to recite a sequence that is “at least 80% identical to the sequence of SEQ ID

NO: 81.” Applicants believe that all pending claims as amended are in condition for allowance. Early and favorable reconsideration is respectfully solicited.

CONCLUSION

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 18-1945, under Order No. COTH-P04-507 from which the undersigned is authorized to draw.

Dated: December 30, 2005

Respectfully submitted,

By 

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